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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,248	11/13/2003	George W. Hager II	16502	2457
43935 7590 07/26/2007 FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551			EXAMINER PICO, ERIC E	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/714,248	Applicant(s) HAGER, GEORGE W.	
	Examiner Eric Pico	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/17/2007 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the safety cable temporarily connected between said actuating arm and a ceiling or a wall of a shaft" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 3654

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 1, 2, 4-8, 10, 11, 13-16, and 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597.

4. **Regarding claim 1**, Hayrinen discloses a hydraulic elevator repair safety platform although not a hydraulic elevator repair safety platform for temporary installation on an elevator car per se, Hayrinen has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims.

Art Unit: 3654

5. Hayrinen discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end, the beam 12 adapted to be releasably connected to an elevator car 1 during a repair operation and being removed after the repair operation due to tie bolts 17.

6. Hayrinen is silent concerning a guide clamp assembly connected to the beam and adapted to be received by an elevator guide rail system, the guide claim assembly having a safety cable and at least one actuating arm adapted to be actuated by a downward movement of the elevator car, whereby when the central beam is temporarily connected to the elevator car and the safety cable is temporarily fixedly connected between the actuating arm and a ceiling or a wall of a shaft in which the elevator car travels normal operation of the elevator car at any position of the elevator car in the shaft is prevented and actuation of the at least one actuating arm causes the guide clamp assembly to grip the guide rail system which facilitates immobilization of the elevator car.

7. Darwent et al. teaches a guide clamp assembly 13 connected to a beam 21 and adapted to be received by an elevator guide rail system 25.

8. Darwent et al. further teaches the guide clamp assembly 13 having a safety cable 11 and an actuating arm 87 adapted to be actuated by a downward movement of the elevator car 16, whereby when a central beam 21 is temporarily connected to the elevator car 16 and the safety cable 11 is temporarily, during the life span of the elevator, fixedly connected, at 13 shown in Figure 1, between the actuating arm 87 and a ceiling or a wall of a shaft, shown on the left side of Figure 5, in which the elevator car

Art Unit: 3654

16 travels normal operation of the elevator car 16 at any position of the elevator car 16 in the shaft is prevented and actuation of the actuating arm 87 causes said guide clamp assembly 13 to grip the guide rail system 25, which facilitates immobilization of the elevator car 16.

9. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

10. **Regarding claim 2**, Hayrinen further discloses a first end portion, shown in Figure 2 as the left end portion of the beam attached to the car frame, connected to the first end of the beam 12, shown in Figure 2 as the left end of the beam 12, and a second end portion, shown in Figure 2 as the right end portion of the beam attached to the car frame, connected to the second end of the beam 12 shown in Figure 2 as the right end of the beam 12, the first end portion and the second end portion adapted to be connected to the elevator car 1.

11. **Regarding claim 4**, Hayrinen is further silent concerning a guide clamp assembly including a pair of guide clamps.

12. Darwent et al. further teaches the guide clamp assembly 13 including a pair of guide clamps 47.

13. Darwent et al. further teaches one of the guide clamps 47 being connected to the first end of the beam 21 and another guide clamp 47 being connected to the second end of the beam 21,

14. Darwent et al. further teaches the guide clamps 47 adapted to be received by the elevator guide rail system 25, wherein one guide clamp 47 is actuated by the actuating arm 87 and another guide clamp 47 is actuated by another actuating arm 95 to cause the guide clamps 47 to grip the guide rail system 25.

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a pair of guide clamps as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

16. **Regarding claim 5**, Hayrinen is further silent concerning a guide clamp assembly including a guide clamp linkage.

17. Darwent et al. further teaches a guide clamp assembly 13 includes a guide clamp linkage 89 linking one actuating arm 87 to another actuating arm 95 to provide a simultaneous actuation the guide clamps 47.

18. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a guide clamp linkage as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks,

Art Unit: 3654

provide the elevator car with a safety brake should the car over speed in the downward direction, and facilitate synchronized engagement of the guide clamps.

19. **Regarding claim 6**, Hayrinen is further silent concerning a guide clamp assembly including a safety cable.

20. Darwent et al. further teaches a guide clamp assembly 13 including a safety cable 11 operatively connected to the guide clamp linkage 89 to cause actuation of the actuating arm 87, 95 of each of the guide clamps 47.

21. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a safety cable as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

22. **Regarding claim 7**, Hayrinen further discloses a pair of guide shoes 18 but is silent concerning the guide shoes apart of guide clamps.

23. Darwent et al. further teaches the guide clamps 47 including a pair of guide shoes 23 for engagement with the guide rail system 25.

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

Art Unit: 3654

25. **Regarding claim 8**, Hayrinen further discloses the central beam 12 including a pair of spaced apart channel sections (not numbered but shown in Figure 3) connected by a plurality of rigging members 17.

26. **Regarding claim 10**, Hayrinen discloses a hydraulic elevator repair safety platform although not a hydraulic elevator repair safety platform for temporary installation on an elevator car per se, Hayrinen has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims.

27. Hayrinen discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end, the beam 12 adapted to be releasably connected to an elevator car 1 and removed after a repair operation due to tie bolts 17.

28. Hayrinen is silent concerning a pair of guide clamps with actuating arms.

29. Darwent et al. further teaches a pair of guide clamps 47, each of the guide clamps 47 being connected to an associated one of the first and second ends of a beam 21 and adapted to be received by an elevator guide rail system 25.

30. Darwent et al. further teaches each of said guide clamps 47 having an actuating arm 87 for actuation by a downward movement of the elevator car and the actuating arm 87 being connected to a safety cable 11, whereby when the central beam 21 is temporarily connected to the elevator car 16 and the safety cable 11 is temporarily, during the life span of the elevator, fixedly connected, at 13 shown in Figure 1, between the actuating arm 87 and a ceiling or a wall of a shaft, shown on the left side of Figure 5, in which the elevator car 16 travels normal operation of the elevator car 16 is prevented

Art Unit: 3654

and the actuation of the actuating arm 87, 95 of each of the guide clamps 47 causes the guide clamps 47 to grip the guide rail system 25 which facilitates immobilization of the elevator car 16.

31. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide guide clamps having actuating arms as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

32. **Regarding claim 11**, Hayrinen discloses a first end portion and said second end portion, shown in Figure 2, adapted to be connected to the elevator car 1.

33. Hayrinen is silent concerning a first and second end portion disposed between a first and second end of the beam and guide clamps.

34. Darwent et al. further teaches a first end portion disposed between a first end of a beam 21, shown in Figure 5 as the left side of beam 21, and one of the guide clamps 47, and a second end portion disposed between said second end of the beam 21, shown in Figure 5 as the right side of beam 21, and another of said guide clamps 47,

35. Darwent et al. further teaches the first end portion and said second end portion adapted to be connected to the elevator car 16.

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the first and second end portion of the beam disclosed by Hayrinen between the first and second end of the beam and guide clamps taught by Darwent et al. to facilitate the connection between the elevator car and the guide clamps.

Art Unit: 3654

37. **Regarding claim 13**, Hayrinen is further silent concerning a guide clamp linkage.

38. Darwent et al. further teaches a guide clamp linkage 89 linking the actuating arms 87, 95 to provide a simultaneous actuation of the actuating arms 87, 95.

39. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a guide clamp linkage as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks, provide the elevator car with a safety brake should the car over speed in the downward direction, and facilitate synchronized engagement of the guide clamps.

40. **Regarding claim 14**, Hayrinen is further silent concerning a safety cable.

41. Darwent et al. further teaches a safety cable 11 connected to the guide clamp linkage 89 for actuation of actuating arms.

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a safety cable as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

43. **Regarding claim 15**, Hayrinen further discloses a pair of guide shoes 18 to engage the elevator guide rail system 5 but is silent concerning the pair of guide shoes connected to guide clamps.

Art Unit: 3654

44. Darwent et al. further teaches a pair of guide shoes 23 connected to each of the guide clamps 47 to engage the elevator guide rail system 25.

45. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

46. **Regarding claim 16**, Hayrinen discloses a hydraulic elevator repair safety platform although not a hydraulic elevator repair safety platform for temporary installation on an elevator car per se, Hayrinen has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims.

47. Hayrinen discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end.

48. Hayrinen further discloses a first end portion, shown in Figure 2 as the left end portion of the beam attached to the car frame, disposed on the first end of the beam 12, shown in Figure 2 as the left end of the beam 12, and adapted to be connected to an elevator car; a second end portion, shown in Figure 2 as the right end portion of the beam attached to the car frame, disposed on the second end of said beam, shown in Figure 2 as the right end of the beam 12, and adapted to be releasably connected to the elevator car and removed after a repair operation due to tie bolts 17.

49. Hayrinen is further silent concerning a pair of guide clamps adapted to be received by an elevator guide rail system.

50. Darwent et al. further teaches a pair of guide clamps 47 adapted to be received by an elevator guide rail system 25, one of the guide clamps 47 connected to a first end portion and another of the guide clamps 47 connected to the second end portion.

51. Darwent et al. further teaches each of the guide clamps 47 having an actuating arm 87, 95, whereby when the central beam 21 is temporarily connected to the elevator car 16 normal operation of the elevator car 16 at any position of the elevator car in a shaft in which the elevator car travels is prevented and the actuation of the actuating arm 87, 95 of each of the guide clamps 47 causes the guide clamps 47 to grip the guide rail system 25 which facilitates immobilization of the elevator car 16.

52. Darwent et al. further teaches a guide clamp linkage 89 linking said actuating arms 87, 95 to provide a simultaneous actuation of the actuating arms 87, 95.

53. Darwent et al. further teaches a safety cable 11 operatively connected to the guide clamp linkage 89 to cause actuation of the actuating arms 87, 95 in response to a downward movement of the elevator car when the safety cable 11 is temporarily connected, at 13 shown in Figure 1, between the guide clamp linkage 89 and a ceiling or a wall of the shaft, shown on the left side of Figure 5, in which the elevator car 16 travels.

54. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

55. **Regarding claim 18**, Hayrinen further discloses a pair of guide shoes 18 to engage the elevator guide rail system 5 but is silent concerning guide shoes connected to guide clamps.

56. Darwent et al. further teaches a pair of guide shoes 23 connected to each of the guide clamps 47 to engage the elevator guide rail system 25.

57. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

58. Claim(s) 3, 12, and 17 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 as applied to claim 1, 10, and 16 above, and further in view of Chapelain et al. U.S. Patent No. 5035300.

59. **Regarding claim 3**, Hayrinen is further silent concerning an adjustably connected first and second end portion.

60. Chapelain et al. teaches a first end portion 3 adjustably connected to a first end of a beam 1 and a second end portion 3 is adjustably connected to a second end of said beam 1 for selectively varying a distance between said first and second end portions 3.

61. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjustably connect first and second end portions taught by Chapelain et al. to the first and second end of the beam disclosed by Hayrinen to supply means to adapt to various elevator cars.

Art Unit: 3654

62. **Regarding claim 12 and 17**, Hayrinen is further silent concerning an adjustably connected first and second end portion.

63. Chapelain et al. teaches a first end portion 3 adjustably connected to a first end of a beam 1 and a second end portion 3 is adjustably connected to a second end of said beam 1.

64. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjustably connect first and second end portions taught by Chapelain et al. to the first and second end of the beam disclosed by Hayrinen to supply means to adapt to various elevator cars.

65. Claim(s) 9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 as applied to claim 1 above, and further in view of Mizuno JP Publication No. 04-341478.

66. **Regarding claim 9**, Hayrinen discloses rigging members 17 attached to channel sections 27 but is silent concerning rigging members including U-bolts and retaining rod.

67. Mizuno teaches rigging members include U-bolts 14 attached to channel sections 5 and to retaining rods 13 extending between the channel sections 5.

68. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the channel sections disclosed by Hayrinen with U-bolts attached to channel sections and to retaining rods extending between the channel sections to facilitate the connection between the channel sections of the beam.

Response to Arguments

69. Applicant's arguments filed 06/18/2007 have been fully considered but they are not persuasive.

70. In response to argument, Hayrinen and Darwent does not show a removable repair platform, and the Darwent device only functions in response to an overspeed condition, although not a removable repair platform, Hayrinen in view of Darwent et al. has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims. Furthermore, the device taught by Darwent et al. functions in response to any introduced force capable of causing lever 85 to rotate in a clockwise direction and is not limited to an overspeed condition.

71. In response to argument, "the Darwent device does not include a safety cable fixedly connected to the shaft", it is noted that the features upon which applicant relies (i.e., a safety cable fixedly connected to the shaft) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

72. In response to argument, " If the Haydren device and the Darwent device are combined in the manner suggested by the Examiner such a combination does not result in a removable repair platform, would not prevent normal operation of the elevator and would lack the claimed safety cable." although not a removable repair platform, Hayrinen in view of Darwent et al. has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims. Furthermore the

Art Unit: 3654

flexible guide clamp safety taught by Darwent et al. prevents normal operation of the elevator and has the claimed safety cable.

73. In response to argument, "The Darwent rope 11 is not the claimed safety cable because the rope is connected to and moves with the elevator and is not fixedly connected to the elevator shaft", during an overspeed condition the safety cable taught by Darwent et al. does not move with the elevator. Furthermore, the features upon which applicant relies (i.e., a safety cable fixedly connected to the elevator shaft) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion


74. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP


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